

FREEDOM COURT REPORTING

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1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF OHIO

3 WESTERN DIVISION

4 * * *

5 VIVIAN BERT,

6 et al.,

7 Plaintiffs,

8 vs.

CASE NO. C-1-02-467

9 AK STEEL CORPORATION,

10 Defendant.

11 * * *

12 Deposition of MARY JANE PALMER NUNLIST,

13 Witness herein, called by the Plaintiffs for

14 cross-examination pursuant to the Rules of Civil

15 Procedure, taken before me, Karen M. Rudd, a

16 Notary Public in and for the State of Ohio, at the

17 West Chester Conference Center, 9248 Princeton

18 Glendale Road, Hamilton, Ohio, 45011, on Friday,

19 August 17, 2007, at 10:05 a.m.

20 * * *

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<p>1 EXAMINATION CONDUCTED PAGE</p> <p>2 BY MS. DONAHUE:..... 4</p> <p>3</p> <p>4 EXHIBITS MARKED</p> <p>5 (Thereupon, Plaintiffs' Exhibit 1 5</p> <p>6 was marked for purposes of</p> <p>7 identification.).....</p> <p>8 (Thereupon, Plaintiffs' Exhibit 2 31</p> <p>9 was marked for purposes of</p> <p>10 identification.).....</p> <p>11 (Thereupon, Plaintiffs' Exhibit 3 33</p> <p>12 was marked for purposes of</p> <p>13 identification.).....</p> <p>14 (Thereupon, Plaintiffs' Exhibit 4 39</p> <p>15 was marked for purposes of</p> <p>16 identification.).....</p> <p>17 (Thereupon, Plaintiffs' Exhibit 5 43</p> <p>18 was marked for purposes of</p> <p>19 identification.).....</p> <p>20 (Thereupon, Plaintiffs' Exhibit 6 46</p> <p>21 was marked for purposes of</p> <p>22 identification.).....</p> <p>23</p>	<p>1 MARY JANE PALMER NUNLIST</p> <p>2 of lawful age, Witness herein, having been first</p> <p>3 duly cautioned and sworn, as hereinafter</p> <p>4 certified, was examined and said as follows:</p> <p>5 CROSS-EXAMINATION</p> <p>6 BY MS. DONAHUE:</p> <p>7 Q. Ms. Nunlist, my name is Susan</p> <p>8 Donahue. I already introduced myself, but just</p> <p>9 for the record. I'm the attorney representing</p> <p>10 the plaintiffs in the lawsuit Vivian Bert and</p> <p>11 others versus AK Steel.</p> <p>12 Let's have -- let me just ask you</p> <p>13 if you are represented by counsel?</p> <p>14 A. Yes.</p> <p>15 Q. Who is your counsel?</p> <p>16 A. Greg Rogers.</p> <p>17 MS. DONAHUE: All right. And can</p> <p>18 we just have an introduction?</p> <p>19 MR. ROGERS: And I'm Greg Rogers,</p> <p>20 and this is Stephanie -- I'm with Taft,</p> <p>21 Stettinius & Hollister, and this is Stephanie</p> <p>22 Bisselberg, in-house with AK Steel.</p> <p>23 MS. DONAHUE: Okay. Thank you.</p>
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<p>1 APPEARANCES:</p> <p>2 On behalf of the Plaintiffs:</p> <p>3 Wiggins, Childs, Quinn & Pantazis</p> <p>4 By: Susan Donahue</p> <p>5 Attorney at Law</p> <p>6 The Kress Building</p> <p>7 301 Nineteenth Street North</p> <p>8 Birmingham, Alabama 35203</p> <p>9 On behalf of the Defendant and witness:</p> <p>10 Taft, Stettinius & Hollister, LLP</p> <p>11 By: Gregory Parker Rogers</p> <p>12 Attorney at Law</p> <p>13 425 Walnut Street</p> <p>14 Suite 1800</p> <p>15 Cincinnati, Ohio 45202</p> <p>16 On behalf of the Defendant:</p> <p>17 AK Steel Corporation</p> <p>18 By: Stephanie Bisselberg</p> <p>19 Attorney at Law</p> <p>20 703 Curtis Street</p> <p>21 Middletown, Ohio 45043</p> <p>22</p> <p>23 * * *</p>	<p>1 THE WITNESS: And just call me</p> <p>2 Mary Jane.</p> <p>3 Q. All right. Thank you. Do you</p> <p>4 understand that you have been subpoenaed to</p> <p>5 give testimony in this case?</p> <p>6 A. Yes.</p> <p>7 MS. DONAHUE: Let me just mark</p> <p>8 this as Exhibit 1.</p> <p>9 (Thereupon, Plaintiffs' Exhibit 1</p> <p>10 was marked for purposes of identification.)</p> <p>11 Q. Mary Jane, would you please look</p> <p>12 at this document and tell me if you have seen</p> <p>13 it before?</p> <p>14 A. Uh-huh.</p> <p>15 Q. Oh, you know, let me back up a</p> <p>16 bit, because let me ask you a couple other</p> <p>17 questions. Have you ever had your deposition</p> <p>18 taken before?</p> <p>19 A. One time.</p> <p>20 Q. And what was that for?</p> <p>21 A. It was when I left my old job,</p> <p>22 started my own business. He sued me for breach</p> <p>23 of contract.</p>

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<p style="text-align: right;">Page 6</p> <p>1 Q. And who was this employer?</p> <p>2 A. Globe Services.</p> <p>3 Q. And what did Globe Services do?</p> <p>4 A. Employment.</p> <p>5 Q. And what was the outcome of that</p> <p>6 lawsuit?</p> <p>7 A. We finally settled it for 25,000.</p> <p>8 Q. And about what time? What year</p> <p>9 was this?</p> <p>10 A. When it ended up being settled, or</p> <p>11 what year was the lawsuit?</p> <p>12 Q. The lawsuit or the settlement,</p> <p>13 either one.</p> <p>14 A. It was probably December --</p> <p>15 probably December of '86.</p> <p>16 Q. All right. So you have had your</p> <p>17 deposition taken before several years ago, but</p> <p>18 let me just go over some ground rules and just</p> <p>19 how we proceed so that you are comfortable</p> <p>20 here.</p> <p>21 First of all, do you understand</p> <p>22 that your testimony is under oath?</p> <p>23 A. Yes.</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. Okay. We can take a break</p> <p>2 whenever you want, as long as --</p> <p>3 A. Thank you.</p> <p>4 Q. -- as long as there isn't a</p> <p>5 question on the table. Do you understand?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Have you taken any</p> <p>8 medications today that would impair your</p> <p>9 ability to give truthful testimony?</p> <p>10 A. No.</p> <p>11 Q. Have you taken any medications at</p> <p>12 all today?</p> <p>13 A. No.</p> <p>14 Q. Have you --</p> <p>15 A. I took them last night, but didn't</p> <p>16 take them today. I wanted to -- I am on</p> <p>17 morphine, and then I'm on the chemo again, and</p> <p>18 they both can affect you, you know. So I</p> <p>19 didn't think it would hurt to wait and take it</p> <p>20 about 2:00 instead, 1:00 or 2.</p> <p>21 Q. Do you think these medications</p> <p>22 will impair your ability to recall events?</p> <p>23 A. Sometimes I think they are going</p>
<p style="text-align: right;">Page 7</p> <p>1 Q. And your testimony is as if you</p> <p>2 were in a court in front of a judge. Do you</p> <p>3 understand that?</p> <p>4 A. Yes.</p> <p>5 Q. Let me also give something -- give</p> <p>6 an instruction that will help our court</p> <p>7 reporter. When I ask you a question, could you</p> <p>8 please answer audibly with a yes or a no,</p> <p>9 because she is going to have a very hard</p> <p>10 time --</p> <p>11 A. You don't hear head shakes?</p> <p>12 Q. She doesn't hear head shakes, and</p> <p>13 uh-huh and uh-uh are very hard to transcribe.</p> <p>14 A. Okay. I will do my best.</p> <p>15 Q. Another thing that will help her</p> <p>16 make a good record of your testimony is, and I</p> <p>17 will try very hard to do this, and if you will</p> <p>18 also try, then that would be good, listen to my</p> <p>19 whole question and give me a chance to finish</p> <p>20 my question before you answer, and I will give</p> <p>21 you a chance to answer before I ask my next</p> <p>22 question. Is that fair?</p> <p>23 A. Sure.</p>	<p style="text-align: right;">Page 9</p> <p>1 to permanently.</p> <p>2 Q. All right.</p> <p>3 A. You know, it's real funny. I have</p> <p>4 no trouble -- the thing I have the most trouble</p> <p>5 with is numbers.</p> <p>6 Q. Okay. Well, what I'm going to ask</p> <p>7 you today -- the questions I'm going to ask</p> <p>8 you, I'm just asking you to give your knowledge</p> <p>9 as far as you can recall today. All right?</p> <p>10 A. Four years ago?</p> <p>11 Q. Yes.</p> <p>12 A. If somebody asked me where did I</p> <p>13 go for lunch yesterday --</p> <p>14 Q. Well, I'm just asking you to do</p> <p>15 your best to recall to the best of your</p> <p>16 ability.</p> <p>17 A. I will do my very best.</p> <p>18 Q. Thank you. Thank you. Let's look</p> <p>19 at Exhibit 1, which was the subpoena. And I</p> <p>20 think you testified that you have seen this</p> <p>21 subpoena before, and this is -- is that</p> <p>22 correct?</p> <p>23 A. No. I'm not exactly positive if</p>

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<p style="text-align: right;">Page 10</p> <p>1 it is the very same one, but I know one where I 2 was being commanded to appear -- 3 Q. At this -- 4 A. -- in court. 5 Q. At this conference center today to 6 take your deposition; is that correct? 7 A. Yeah. It's blank under where, 8 but -- everything is blank except -- 9 Q. Well, if you look on the first 10 page -- can you look on the first page? 11 A. Uh-huh. 12 Q. Where it says place of deposition, 13 do you see that? 14 A. Yes. 15 Q. Can you read where the place is 16 stated? 17 A. Where it is dated? 18 Q. Where the place -- 19 A. West Chester Conference Center. 20 Q. Right. 21 A. 9248 Princeton Glendale Road, 22 Hamilton, 45011. 23 Q. Yes. And that is the place where</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Okay. 2 A. And do the meetings, the board 3 meetings. 4 Q. Do you have any other position 5 with Palmer Temps? 6 A. I have cleaned the toilet before. 7 I mean, I have got every position. 8 Q. Okay. Is it a sole 9 proprietorship? 10 A. No. 11 THE WITNESS: Is it an S Corp? 12 MS. DONOVAN: You have to answer 13 the questions. 14 MR. ROGERS: I can't answer for 15 you. If you don't know, say that you don't 16 know. 17 THE WITNESS: Well, I really don't 18 know. I get a C Corp and an S Corp mixed up. 19 Q. Do you hold any position like 20 chairman of the board? 21 A. No. 22 Q. Do you hold the position of 23 president?</p>
<p style="text-align: right;">Page 11</p> <p>1 we are today for your deposition; is that 2 correct? 3 A. Right. 4 Q. Is that correct? 5 A. If that's where we are today? 6 Q. Is that where we are? 7 A. That's what we are talking about. 8 Q. Is that where we are today? 9 A. Yes. 10 Q. Okay. Thank you. I'd like to ask 11 you some questions about your relationship to 12 Palmer Temps. Can you tell me, please, what 13 your relationship to Palmer Temps is? 14 A. I'm the owner. 15 Q. And when did you start this 16 business? 17 A. September 8, 1986. 18 Q. Do you have any other position 19 with Palmer Temps besides owner? 20 A. PR. 21 Q. What do you mean by PR? 22 A. I go out and sometimes make sales 23 calls, and I do all the marketing.</p>	<p style="text-align: right;">Page 13</p> <p>1 A. Yes. 2 Q. What is your role as president? 3 A. What is my will? 4 Q. Role. 5 A. Role. I'm leader of the gang. 6 Q. What are your duties? 7 A. I'm Harry Truman. The buck stops 8 here. They all come to me with a problem. 9 Q. Do you go to the office every day? 10 A. No, not right now I'm not. 11 Q. Now, why is that? 12 A. Because I have been sick. 13 Q. Okay. I'm sorry to hear you have 14 been sick, and I hope this deposition isn't too 15 strenuous for you. 16 A. It won't be, I've been through -- 17 with what they have put me through. 18 Q. How often do you go to the office 19 now that you are -- 20 A. I try to go a couple times a week. 21 Q. Okay. 22 A. If I -- it's only like a couple 23 hours those days, so minimal.</p>

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<p style="text-align: right;">Page 14</p> <p>1 Q. And what --</p> <p>2 A. But I like to go in some.</p> <p>3 Q. What do you do while you are</p> <p>4 there?</p> <p>5 A. Talk to everybody.</p> <p>6 Q. What do you talk to them about?</p> <p>7 A. Husbands, and we talk about men,</p> <p>8 we talk about families.</p> <p>9 Q. Well, I appreciate that.</p> <p>10 A. I ask them to, you know, tell me</p> <p>11 how things have been going and is there</p> <p>12 anything I can help them with.</p> <p>13 Q. Do you ask them about the</p> <p>14 business?</p> <p>15 A. Sure, I ask them how -- you know,</p> <p>16 if we have been busy or, you know, how</p> <p>17 recruiting was going, you know, if we are</p> <p>18 keeping up on that. I ask them everything, you</p> <p>19 know, that I can.</p> <p>20 Q. All right. How long have you been</p> <p>21 going to work on this schedule of two times a</p> <p>22 week?</p> <p>23 A. Well, I just got back home about a</p>	<p style="text-align: right;">Page 16</p> <p>1 30 hours some weeks, 45 hours the next week. I</p> <p>2 did work quite a bit in there.</p> <p>3 Q. Before December, 2004, did you put</p> <p>4 a full day's work in at the office?</p> <p>5 A. No. Well, I have been in Houston</p> <p>6 most of the time, so I haven't been in Ohio.</p> <p>7 We have a condo in Florida, and our house</p> <p>8 burned.</p> <p>9 Q. Your house burned in Florida?</p> <p>10 A. No, here.</p> <p>11 Q. Oh, I'm very sorry. That's very</p> <p>12 difficult.</p> <p>13 A. I'm sorry.</p> <p>14 Q. That's all right. You just take</p> <p>15 your time. If you want to take a break, we</p> <p>16 will just --</p> <p>17 A. No, that's all right.</p> <p>18 Q. I'm sorry. Well, I was trying to</p> <p>19 ask you and get an idea of when you were</p> <p>20 working at the office in your regular full-time</p> <p>21 capacity, and I thought you said that it was</p> <p>22 before December of 2004 when you became ill.</p> <p>23 A. Yes, it was December, 2004.</p>
<p style="text-align: right;">Page 15</p> <p>1 month ago, so --</p> <p>2 Q. And before that?</p> <p>3 A. When I was home, I tried to go a</p> <p>4 little bit more often than that. I tried to go</p> <p>5 every day from 12 to 5, but that didn't work.</p> <p>6 Q. When was the last time that you</p> <p>7 worked a full day's work at the office?</p> <p>8 A. Probably last November.</p> <p>9 Q. November of 2006?</p> <p>10 A. Yes.</p> <p>11 Q. All right. Is that when you began</p> <p>12 your treatment in November?</p> <p>13 A. No, I began it two years ago.</p> <p>14 Q. Two years ago?</p> <p>15 A. Well, let's see, it will be three</p> <p>16 years in December.</p> <p>17 Q. So that was in 2004?</p> <p>18 A. Uh-huh.</p> <p>19 Q. So from December, 2004, to</p> <p>20 November, 2006, you maintained a full schedule</p> <p>21 at work?</p> <p>22 A. Oh, no. I tried to come in as</p> <p>23 much as I could, but, you know, it might be</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. Okay. And before that, then, you</p> <p>2 did your regular, normal functions, jobs?</p> <p>3 A. Not normal, no.</p> <p>4 Q. Why wasn't it normal?</p> <p>5 A. Oh, before December, 2004?</p> <p>6 Q. Yes.</p> <p>7 A. Yes.</p> <p>8 Q. Okay. That's what I wanted to</p> <p>9 understand. Thank you.</p> <p>10 Your job duties at Palmer Temps as</p> <p>11 the president and owner, has that been to get</p> <p>12 business with different corporations, to recruit</p> <p>13 employees for them?</p> <p>14 A. Yes.</p> <p>15 Q. All right. And have you had that</p> <p>16 relationship of recruiting employees for AK</p> <p>17 Steel?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And when did that</p> <p>20 relationship start?</p> <p>21 A. Let's see, 1986.</p> <p>22 Q. From the very beginning?</p> <p>23 A. Probably April.</p>

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1 Q. Did your relationship with AK
2 Steel start at the very beginning of your
3 founding your business?
4 A. Uh-huh. In April. I founded the
5 business in January.
6 Q. I see. So AK Steel -- do you
7 still do services for AK Steel?
8 A. Yes.
9 Q. Have you done services for AK
10 Steel consistently from April of 1986 to the
11 present?
12 A. I hope so, but I don't know so. I
13 know there's been other services in there.
14 Q. What do you mean by other
15 services?
16 A. Oh, CBS I know has had some people
17 in there, and an engineering company up in
18 Dayton, I think it's GFS, Account Temps.
19 Q. Now, these companies, GFS and CBS
20 and Account Temps, are these all companies that
21 provide services to AK Steel?
22 A. Well, they have been there, I
23 know, and worked.

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1 Q. I see.
2 A. I don't know anything more about
3 it. We do keep our eye on who is out there and
4 why are they there, you know.
5 Q. I see.
6 A. Of course, we want it all.
7 Q. I understand. Okay. Has Palmer
8 Temps ever accepted applications for employment
9 from AK Steel?
10 A. Yes.
11 Q. Do you know at what times Palmer
12 Temps has done this?
13 A. I really don't. I don't really
14 know when it was.
15 Q. Are there any records that you
16 have in your office that would indicate at what
17 times you accepted applications from AK Steel?
18 A. I'm sure Richard might have some.
19 Q. What documents do you think he
20 might have?
21 A. Probably something in the computer
22 as to when we were to stop, when they told us
23 to quit.

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1 Q. Are you saying that AK Steel told
2 you to quit accepting applications?
3 A. Uh-huh.
4 Q. At what time did they --
5 A. Well, we -- I'm sorry. I
6 interrupted you.
7 Q. That's okay.
8 A. We weren't the only place
9 accepting at that time. The library, the
10 credit union was taking applications, and there
11 was several people in town, and that just got
12 to everybody, I think, and they just decided to
13 call it off.
14 Q. At what time --
15 A. They had gotten pretty much what
16 they needed by then.
17 Q. At what time are you saying that
18 AK Steel decided to call it off? Do you know?
19 A. I think it was -- I think she told
20 him around the beginning of the year, or she
21 wanted him to stop on January the 1st. But we
22 already had people scheduled, and so we went
23 ahead and tested them. So it was probably the

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1 end of the month when we actually stopped.
2 Q. Are you talking about 2007?
3 A. Yes. Well --
4 Q. That's this year.
5 A. Yes, I think it was this year.
6 I'm not real sure.
7 Q. Okay.
8 A. I think it's probably 2006. I
9 just don't know.
10 Q. That's fine. If you don't know, I
11 appreciate you telling me that you don't know.
12 A. I don't.
13 Q. I don't want you to guess or
14 speculate. I want you to try to remember.
15 A. No, I don't want to either.
16 Q. Now, you said you had, on
17 January 1st of either 2006 or 2007, you had
18 people scheduled for tests. Are you indicating
19 that you did testing for AK Steel?
20 A. We never ever done any AK testing
21 in our office. What we did is had like -- we
22 call it an elimination that we did for AK, and
23 it was just a one sheet of paper that had

6 (Pages 18 to 21)

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<p style="text-align: right;">Page 22</p> <p>1 several questions on it pertaining -- it could 2 pertain to any company really looking for 3 industrial people, because it was -- you know, 4 it was very generic. 5 The questions were can you work 6 three shifts, or do you have a fear of heights. 7 Just general questions. Industrial people 8 should be able to work all three shifts, and 9 they had to be able to do that. 10 So after we asked those questions 11 or evaluation we give, you know, that's when 12 they have to pass or go through -- not really 13 pass it, but we just have to have them answer a 14 positive answer to all of those questions, or 15 they are not going to like the job and neither 16 are we going to like them as an employee. 17 Because if people don't like something, they 18 are not going to do very good on it. 19 Q. Do you know if you have a copy of 20 this sheet of paper that asks these questions? 21 A. No, I know we don't, because we 22 went through one of those office zaps about two 23 years ago, probably, when we got rid of</p>	<p style="text-align: right;">Page 24</p> <p>1 question? 2 Q. Okay. Did AK Steel give you 3 instructions to have the applicants fill out 4 this one sheet of paper that you are 5 describing? 6 A. They never filled it out. We 7 asked the questions for -- you know, asked 8 them, and then we just put down the answers. 9 Q. All right. Where did you put down 10 the answers? 11 A. On the paper, the evaluation 12 paper. 13 Q. All right. And what did you do 14 with the evaluation paper? 15 A. We gave it to AK. 16 Q. Okay. 17 A. After we did that, we gave them 18 everything. We gave them the pile of good ones 19 and the pile that didn't answer the questions 20 correctly. 21 Q. I see. So you separated the 22 applications out into two separate piles? 23 A. Ones that answered the questions</p>
<p style="text-align: right;">Page 23</p> <p>1 everything. We were being run out. 2 Q. Why did you get rid of everything 3 two years ago? 4 A. Because we had over 40,000 records 5 in there, and we ran out of room, and we 6 thought after -- since 1986, it was time to 7 clear files a little bit. 8 Q. Okay. Did this one sheet of paper 9 you are talking about with these several 10 questions, is this something that you wrote? 11 A. No. 12 Q. Is this something that AK Steel 13 provided for you? 14 A. They provided it to me, but I 15 don't know that they wrote it even. Like I 16 said, it was so generic. 17 Q. Were your instructions from AK 18 Steel to ask the applicants to fill out this 19 questionnaire? 20 A. (Witness nodding head up and 21 down.) 22 Q. Are you saying yes with your nod? 23 A. Well, would you repeat the</p>	<p style="text-align: right;">Page 25</p> <p>1 and ones that did not. 2 Q. Did AK Steel tell you what kind of 3 answers they wanted to have on that 4 questionnaire? 5 A. Well, I basically knew by reading 6 them what they were trying -- you know, those 7 were three of the actual questions that we had. 8 And, you know, I know they wouldn't work 9 anybody that can't work all three shifts. 10 Q. So you based -- 11 A. There's no way. 12 Q. So you based your selection on 13 your own experience of being able to understand 14 their answers and how those answers would match 15 with the job? 16 A. Right. 17 Q. Okay. 18 A. They told us what they had to 19 have. They had to be able to work all three 20 shifts, you know, and the other questions I 21 asked them. 22 Q. Now, you are testifying that AK 23 Steel asked you to stop taking applications on</p>

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<p style="text-align: right;">Page 26</p> <p>1 January 1st of either 2006 or 2007. So before 2 that, did you --</p> <p>3 MR. ROGERS: Objection. That 4 mistates her testimony. She said she didn't 5 know when.</p> <p>6 MS. DONAHUE: Well, she didn't 7 know when.</p> <p>8 Q. You are not sure. It could be 9 either 2006 or 2007.</p> <p>10 A. 4 or -- I know it was several 11 years ago, and I know the papers were shredded 12 before then, like a year before.</p> <p>13 Q. What papers were shredded?</p> <p>14 A. The ones that we did at our 15 office. You know, all of our files we purged.</p> <p>16 Q. Okay.</p> <p>17 A. The files that we have on our 18 regular temporaries, everything. You know, we 19 had papers from back in 1990 and things that we 20 certainly didn't need anymore.</p> <p>21 Q. Did you purge these files around 22 2005? Is that what you are saying?</p> <p>23 A. It's been longer than that. I'm</p>	<p style="text-align: right;">Page 28</p> <p>1 over in Loveland that does it.</p> <p>2 Q. So your office just took it upon 3 itself to clean out the files?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 A. After we followed, you know, 7 whatever rules we had to follow. And 8 apparently we -- they said it's really good to 9 get rid of files earlier now, but we had 10 already had these ten years.</p> <p>11 Q. Who said that it was good to get 12 rid of files earlier?</p> <p>13 A. Well, US Business.</p> <p>14 Q. Did anyone in particular tell you 15 that?</p> <p>16 A. No. I just read it. Now, Richard 17 might have talked to someone too. He is real 18 careful about those records. Because I have 19 always been a hog. I want to save everything, 20 you know. So we had everything from the day we 21 had opened in there.</p> <p>22 Q. All right. When you took 23 applications for AK Steel, who was your contact</p>
<p style="text-align: right;">Page 27</p> <p>1 thinking around 2003.</p> <p>2 Q. Now, at the time that AK Steel 3 asked you to stop taking applications, you said 4 it might be 2006, it might be 2007, but you are 5 not sure; is that correct?</p> <p>6 A. It could have been, but it could 7 have been 2003 or 4 too. I'm just not sure.</p> <p>8 Q. Okay.</p> <p>9 A. All I remember is saying, you 10 know, we were going -- we were going to clean 11 the office up, and they had to hire -- they 12 hired someone to stand out there to make sure 13 that nobody could get into the papers or any 14 Social Security numbers.</p> <p>15 Q. All right. So AK Steel hired 16 someone to come to your office?</p> <p>17 A. No. To shred them, no.</p> <p>18 Q. No. Who came to your office to 19 clean it out? When you say they hired someone, 20 who do you mean?</p> <p>21 A. Richard and --</p> <p>22 Q. Oh, I see.</p> <p>23 A. -- the staff. There's a company</p>	<p style="text-align: right;">Page 29</p> <p>1 person at AK Steel that you talked to about 2 this?</p> <p>3 A. Phyllis Short usually.</p> <p>4 Q. Phyllis Short?</p> <p>5 A. She is the person now.</p> <p>6 Q. And how did you transmit the 7 applications that you had separated into two 8 groups? How did you transmit those to AK 9 Steel?</p> <p>10 A. I don't know.</p> <p>11 Q. Do you know if someone came from 12 AK Steel to your office to get them?</p> <p>13 A. I have no -- that I don't have any 14 idea.</p> <p>15 Q. Did you ever see anyone from AK 16 Steel come to your office to get them?</p> <p>17 A. No, I never saw anybody come and 18 get them.</p> <p>19 Q. Did you ever give instructions to 20 any of your office assistants to package these 21 up and send them?</p> <p>22 A. Yes, I'm sure we did, and Richard 23 worked with them on that too.</p>

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<p style="text-align: right;">Page 30</p> <p>1 Q. Okay. All right. Did Palmer 2 Temps ever conduct any testing of applicants 3 for employment at AK Steel? 4 A. The evaluation, and that just went 5 on to AK. We didn't do a lot of testing for 6 them. They had their own department, and this 7 was something that was just extraordinary, 8 because they were having trouble getting 9 people, they just couldn't get them, and hired 10 companies that specifically did that and even 11 stood out in malls in the kiosks. They just 12 couldn't get people to work at that time. 13 So they really felt like this was 14 a different option they had that they could try 15 and get the mill, you know, loaded like it 16 should be. 17 Q. At what time period are you 18 talking about that they were having trouble 19 hiring people? 20 A. Oh, gosh. 21 THE WITNESS: How long has Wayne 22 Cott been CEO? Do you have any idea? 23 MR. ROGERS: I can't answer the</p>	<p style="text-align: right;">Page 32</p> <p>1 please, and tell me if you have seen it before? 2 MR. ROGERS: Do you have a copy, 3 Susan? 4 MS. DONAHUE: Yes, I do. Sorry. 5 THE WITNESS: No, I don't remember 6 seeing this. I might have got them mixed up 7 even. I just remember seeing, you know, that I 8 had to be somewhere. 9 Q. Could you look at the last page of 10 this, please? Do you recognize this as a 11 subpoena for documents? 12 A. I think Richard brought what he 13 had. 14 Q. So you were aware that we had 15 asked for documents from Palmer Temps? 16 A. Uh-huh. 17 Q. Are you answering yes? 18 A. Yes. 19 Q. And is it your testimony that 20 Richard gathered the documents? 21 A. Yes. 22 Q. Did you have anything to do with 23 gathering the documents?</p>
<p style="text-align: right;">Page 31</p> <p>1 questions for you. 2 Q. Just answer to the best you can. 3 And if you want to -- 4 A. I don't know. 5 Q. -- answer it in reference to a 6 certain kind of management person, that's fine 7 too. 8 A. I don't know. 9 Q. Okay. Now, you mentioned the name 10 Wayne Cott. Is Wayne Cott a manager? 11 A. He is the CEO now. 12 Q. And did he start becoming the CEO 13 at a certain point? 14 A. I don't know when. 15 Q. Okay. 16 A. You never saw him much. 17 Q. Was it in the last five years? 18 A. Probably. 19 MS. DONAHUE: Let me mark this as 20 Exhibit 2. 21 (Thereupon, Plaintiffs' Exhibit 2 22 was marked for purposes of identification.) 23 Q. Could you look at that document,</p>	<p style="text-align: right;">Page 33</p> <p>1 A. Probably not. 2 Q. What do you mean, probably not? 3 A. I really don't -- I didn't help 4 him get anything really. I haven't been caring 5 much about it. 6 Q. I understand. I just want to know 7 if you did anything in regard to gathering the 8 documents. 9 A. No, not that I know of. 10 Q. All right. 11 A. They asked me for so much, I don't 12 know what I had and didn't have. 13 MS. DONAHUE: We will mark this as 14 Exhibit 3. 15 (Thereupon, Plaintiffs' Exhibit 3 16 was marked for purposes of identification.) 17 Q. Do you recognize this document? 18 A. To tell you the truth, I don't. I 19 get the purchase orders in, and I, you know, 20 read them, and I give them to another girl in 21 our office, and she processes all of these. 22 All of the invoices are contracted for people 23 to work.</p>

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<p style="text-align: right;">Page 34</p> <p>1 Q. Can you look on page three, 2 please, the last page? It's the last page. Is 3 that your signature on the last page? 4 A. Yes. 5 Q. And did you sign this document on 6 April 10, 2006? 7 A. Well, obviously I did. 8 Q. Okay. Did you -- I think you 9 identified this as a purchase order? 10 A. Yes. 11 Q. This is a purchase order from AK 12 Steel? 13 A. Uh-huh. 14 Q. What are they requesting from you? 15 A. See, when I don't look at them -- 16 it's for pricing, it looks like more than 17 anything, for employees. 18 Q. Does this contract or this 19 purchase order indicate what category of 20 employee you are providing for AK Steel? If 21 you look on page two, that might help you. Do 22 you see down on the lower half of that page it 23 says payroll office personnel?</p>	<p style="text-align: right;">Page 36</p> <p>1 particularly happy to send my employees 2 anywhere that might be dangerous. We were real 3 careful with that. 4 Q. Is it your testimony that when you 5 first started providing services for AK Steel, 6 you provided safety training for AK Steel for 7 employees? Is that what you are saying? I'm 8 sorry. I don't understand quite what you are 9 saying about the safety issue. 10 A. We just didn't like sending them 11 into the mill, because it's dangerous out 12 there. 13 Q. I see. Is it your testimony that 14 you have never provided employees for AK Steel 15 who worked inside the mill? 16 A. If we did, it was eight, ten years 17 ago. 18 Q. Okay. So these applications that 19 you took for employees at the mill at AK Steel, 20 they were for office personnel only? 21 A. Probably office, or sometimes we 22 sent people to help move furniture, we sent 23 people for moving file cabinets. Just general</p>
<p style="text-align: right;">Page 35</p> <p>1 A. Yes. 2 Q. Did you provide payroll office 3 personnel to AK Steel? 4 A. Yes. We still do. 5 Q. And you still do? 6 A. (Witness nodding head up and 7 down.) 8 Q. Did you also supply payroll plant 9 personnel? 10 A. No. We did not send anyone into 11 the plant in our career until this came up, 12 except we did have some guys that worked there 13 for 40 years, you know, took customers around 14 for them. But, no, we never sent anyone to the 15 mill. 16 We got to the point where, you 17 know, when -- they did have a few safety 18 issues, and that was probably when that period 19 was that we started. People were a little bit 20 afraid of it, and they didn't want to work at 21 AK. And so we just decided we would take a 22 chance on it, try to help them. 23 We don't -- you know, I'm not</p>	<p style="text-align: right;">Page 37</p> <p>1 laborer jobs. 2 Q. Now, maybe you can help me 3 understand, because earlier you talked about an 4 applicant coming in, and you would ask them 5 questions about working, if they could work any 6 shift; is that correct? 7 A. (Witness nodding head up and 8 down.) 9 Q. So I'm a little confused, because 10 I don't think office workers work -- 11 A. He didn't apply for office work. 12 Q. Who didn't? 13 A. Now, who is -- is it Don Edwards? 14 MR. ROGERS: I can't answer the 15 questions for you. 16 THE WITNESS: No. That's right. 17 Q. My question isn't about Don 18 Edwards right now. My question is about 19 whether Palmer Temps ever took applications for 20 any laborers in the mill. 21 A. During the period we were hiring 22 for the mill? 23 Q. Yes.</p>

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<p style="text-align: right;">Page 38</p> <p>1 A. Yes.</p> <p>2 Q. Okay. So there was a period when</p> <p>3 you were hiring for the mill, and then there</p> <p>4 were other periods when you were hiring office</p> <p>5 workers?</p> <p>6 A. Right.</p> <p>7 Q. Okay. Were you also -- were you</p> <p>8 hiring workers for the mill and office workers</p> <p>9 at the same time during that period?</p> <p>10 A. Uh-uh. I don't know.</p> <p>11 Q. Okay. So there was a period of</p> <p>12 time when you were hiring workers for the mill</p> <p>13 for laborer positions?</p> <p>14 A. No. We sent them people that were</p> <p>15 qualified. They did all the hiring aspects.</p> <p>16 Q. But -- thank you for that</p> <p>17 clarification. You were taking applications</p> <p>18 for laborer positions at the mill?</p> <p>19 A. Correct.</p> <p>20 Q. Do you know when -- and maybe I</p> <p>21 have asked you this before, but maybe this will</p> <p>22 help clarify this. There was a certain period</p> <p>23 of time that you accepted applications for</p>	<p style="text-align: right;">Page 40</p> <p>1 that you gave to applicants to fill out?</p> <p>2 A. No.</p> <p>3 Q. Are you saying you didn't give</p> <p>4 this form?</p> <p>5 A. I don't know.</p> <p>6 Q. You don't know. Okay.</p> <p>7 A. I don't recognize it.</p> <p>8 Q. Who in your office actually gave</p> <p>9 the applications to people who came in and</p> <p>10 wanted to apply?</p> <p>11 A. Well, we have different people.</p> <p>12 Q. Who are those people?</p> <p>13 A. Sandy Huddleston, Amy Powers,</p> <p>14 Becky probably helped some.</p> <p>15 Q. What is Becky's last name?</p> <p>16 A. Carroll.</p> <p>17 Q. Are those the entire group of</p> <p>18 office employees that you have?</p> <p>19 A. No.</p> <p>20 Q. Now, what is Sandy Huddleston's</p> <p>21 position?</p> <p>22 A. She usually does the industrial,</p> <p>23 and Becky the office, and Amy does both.</p>
<p style="text-align: right;">Page 39</p> <p>1 laborer positions at the mill; is that correct?</p> <p>2 A. Uh-huh.</p> <p>3 Q. Okay. How long was this period of</p> <p>4 time? Was it a matter of years, or a matter of</p> <p>5 months?</p> <p>6 A. It probably was April to January</p> <p>7 of 2005.</p> <p>8 Q. Were there any other times that</p> <p>9 you took applications for laborer positions at</p> <p>10 the mill?</p> <p>11 A. No.</p> <p>12 MS. DONAHUE: We can mark this</p> <p>13 as -- I guess we are on Exhibit 4.</p> <p>14 (Thereupon, Plaintiffs' Exhibit 4</p> <p>15 was marked for purposes of identification.)</p> <p>16 Q. Would you look at what we have</p> <p>17 marked as Exhibit 4? Do you recognize this</p> <p>18 document?</p> <p>19 A. No, I really didn't -- I didn't</p> <p>20 have any part in filling out the applications.</p> <p>21 Q. Well, I want to ask you not about</p> <p>22 the content of the application, but just the</p> <p>23 form. Do you recognize this form as a form</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. When you say does them, do you</p> <p>2 mean -- what do you mean?</p> <p>3 A. Gives them.</p> <p>4 Q. Gives the applications?</p> <p>5 A. (Witness nodding head up and</p> <p>6 down.)</p> <p>7 Q. Okay. So Sandy Huddleston or Amy</p> <p>8 Powers or Becky Carroll would have been people</p> <p>9 who worked for you who would give out</p> <p>10 application forms to people who wanted a job at</p> <p>11 AK Steel; is that correct?</p> <p>12 A. Uh-huh.</p> <p>13 Q. All right. Now, if you look up in</p> <p>14 the upper right-hand corner, do you see --</p> <p>15 A. Yes.</p> <p>16 Q. Do you see that handwriting?</p> <p>17 A. Yes.</p> <p>18 Q. Do you know what that indicates?</p> <p>19 A. No, I don't.</p> <p>20 Q. Do you know if anybody at your</p> <p>21 office put a P on the applications to indicate</p> <p>22 that the application came from Palmer?</p> <p>23 A. That I don't know. I don't know</p>

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1 why we would have initialed something that --
 2 anything really. I would imagine they got it
 3 from us.
 4 Q. Why would you imagine that?
 5 A. With the P and the checkmark, it
 6 identified where it came from and that they
 7 received it.
 8 Q. But you don't -- you don't know if
 9 any of the people in your office would indicate
 10 that on these applications?
 11 A. I don't -- no, I don't think so.
 12 Q. Okay. Did AK Steel ever ask your
 13 office to put a P on applications that you
 14 accepted?
 15 A. No, not that ran by me, and they
 16 run everything past me just about, so --
 17 Q. Would they run applications past
 18 you?
 19 A. No. It was a madhouse, you know.
 20 There were a lot of people in there. I didn't
 21 have time to do that too.
 22 Q. When I say that -- I'm sorry.
 23 Maybe that was not a very good question. But

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1 when AK Steel asked you to accept applications,
 2 did you ever see the actual application that
 3 you were giving out to people?
 4 A. I'm sure whoever gave it saw it.
 5 I never saw it.
 6 Q. You never saw it. Okay.
 7 MS. DONAHUE: Let's mark this as
 8 Exhibit 5.
 9 (Thereupon, Plaintiffs' Exhibit 5
 10 was marked for purposes of identification.)
 11 Q. I have given you what we have
 12 marked as Exhibit 5. Have you ever seen this
 13 document before?
 14 A. No.
 15 Q. All right. Have you ever seen
 16 this form before and just ignored the content,
 17 the things that have been filled in? Have you
 18 ever seen this form before?
 19 A. That I don't know. If I didn't
 20 pay any attention to it, I wouldn't have
 21 remembered. I don't remember the form or the
 22 questions either.
 23 Q. Is this the one-page questionnaire

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1 form that you were talking about that you would
 2 ask?
 3 A. No.
 4 Q. No? This is not that?
 5 A. No.
 6 Q. Okay. When -- did you ever -- I
 7 think you testified before that when someone
 8 came in to apply, you had a one-page
 9 questionnaire that you asked them, and then you
 10 filled in the answers, or whoever took the
 11 application. Did you ever personally do that?
 12 A. Sign any of the applications?
 13 Q. No. I'm referring back to your
 14 testimony when you said that someone would come
 15 in and fill out an application, and then
 16 someone in your office would ask them questions
 17 that were written out on a one-page form, and
 18 then they would write the answers in. Is that
 19 correct?
 20 A. Are you trying to find out if the
 21 applicant filled in all the questions?
 22 Q. No. I think you testified earlier
 23 that you would just ask -- someone from your

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1 office --
 2 A. That was on our -- the
 3 qualification. We asked the questions.
 4 Q. Right. I'm just asking you if you
 5 personally ever asked those questions to
 6 someone?
 7 A. Yes, I did.
 8 Q. Okay. And then you would write
 9 down their answers?
 10 A. Uh-huh.
 11 Q. And then you would give -- then
 12 you would use that to separate out the
 13 applications into two piles; is that correct?
 14 A. Uh-huh.
 15 Q. So this form that we are looking
 16 at here that's Exhibit 5, this is not the --
 17 this is not the set of questions that you
 18 asked?
 19 A. No. Wait a minute. See, some of
 20 these questions were on, some weren't. One of
 21 our questions is do you have a valid driver's
 22 license and transportation.
 23 Q. All right. So some of questions

12 (Pages 42 to 45)

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<p style="text-align: right;">Page 46</p> <p>1 on what we have marked as Exhibit 4 [sic] are 2 the same questions that were questions that you 3 asked? Is that what you are telling me? 4 A. Two of them. 5 Q. All right. Just a second. Let me 6 find something here. 7 A. I think these are on our other one 8 too, the valid driver's license, how are you 9 going to get to work. Some of them have to 10 take a bus. 11 MS. DONAHUE: Well, we can put 12 that aside. I'm not going to ask any more 13 questions about that. Maybe we can take a 14 break for just a minute while I look for 15 something. 16 MR. ROGERS: Okay. 17 (Thereupon, an off-the-record 18 discussion was held.) 19 MS. DONAHUE: We will mark this 20 one. This is going to be Exhibit 6. 21 (Thereupon, Plaintiffs' Exhibit 6 22 was marked for purposes of identification.) 23 MS. DONAHUE: I'm going to have to</p>	<p style="text-align: right;">Page 48</p> <p>1 A. No, they have just got the 2 little -- (indicating.) 3 Q. What is this document? 4 A. Well, testifying that I'm not 5 crazy. That's the first it asks. 6 Q. Where does it testify that you are 7 not crazy? 8 A. The very first sentence says 9 truthfully declares I am competent to testify. 10 Q. Were you competent to testify at 11 the time? 12 A. Yes. Those were better days. 13 Q. This was on, you say, May 4th, 14 2007; is that correct? 15 A. Uh-huh. 16 Q. And why are you saying this was -- 17 these were better days? 18 A. Anything has been better than this 19 past month. 20 Q. I see. That's fair. All right. 21 Do you know what this document is? 22 A. It's where I'm being called as a 23 plaintiff in the lawsuit.</p>
<p style="text-align: right;">Page 47</p> <p>1 ask you to look at this together. I apologize. 2 I just can't find another copy right now. 3 MR. ROGERS: Okay. 4 Q. Have you seen this document before 5 that we have marked as Exhibit 6? 6 A. Uh-huh. 7 Q. Is that a yes? 8 A. Yes. 9 Q. When did you see this? 10 MS. DONAHUE: Here is another one. 11 THE WITNESS: I probably signed 12 it. 13 Q. Look on the last page, the second 14 page. Is that your signature on page two? 15 A. That's me. 16 Q. All right. And does it indicate 17 that you signed this on -- 18 A. The 4th day of May 2007. 19 Q. Is that the 4th day or the 24th 20 day? 21 A. 4th. 22 Q. Okay. I think it might be a 23 little bit difficult to read; do you agree?</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. Could you say that again, please? 2 A. Where I was called as a witness -- 3 or what would I be in a lawsuit? 4 Q. Okay. Did an attorney contact you 5 in regard to -- you can see at the top it says 6 declaration of Mary Jane Palmer Nunlist over on 7 the right. 8 A. Yeah. 9 Q. Do you recognize this as a 10 declaration you made? 11 A. Yes. 12 Q. And you signed this declaration 13 after reading through what was written here? 14 A. Yes. 15 Q. Were you contacted by someone to 16 make this declaration? 17 A. They sent it to us in the mail, I 18 believe. 19 Q. Who sent it to you? 20 A. Your attorneys you are working 21 for. 22 Q. My attorneys? No. 23 A. The attorneys in Atlanta -- or in</p>

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<p style="text-align: right;">Page 50</p> <p>1 Georgia.</p> <p>2 Q. The attorneys in Georgia?</p> <p>3 A. Well, I don't know. There's been</p> <p>4 so many lawsuits.</p> <p>5 Q. All right.</p> <p>6 A. Maybe the president sent it to me.</p> <p>7 It's federal, so --</p> <p>8 Q. Do you mean that as a joke?</p> <p>9 A. I just knew when I got it that I</p> <p>10 was going to have to, you know, go to -- have a</p> <p>11 deposition.</p> <p>12 Q. All right. Now, you signed this</p> <p>13 declaration. Are you testifying that it was</p> <p>14 sent to you in the mail typed as it is right</p> <p>15 now?</p> <p>16 A. I don't know if it was exact or</p> <p>17 not.</p> <p>18 Q. Did you talk to anyone before you</p> <p>19 received this in the mail, if you did receive</p> <p>20 it in the mail?</p> <p>21 A. No.</p> <p>22 Q. Did you ever talk to an attorney</p> <p>23 about this declaration?</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. Okay. And he declined to</p> <p>2 represent you?</p> <p>3 A. Well, yeah, he didn't -- well, he</p> <p>4 didn't know this until a week ago or ten days</p> <p>5 ago at the most.</p> <p>6 Q. All right. I'm sorry if I'm not</p> <p>7 asking very clear questions. What I'm asking</p> <p>8 you is what attorney talked to you about this</p> <p>9 declaration, not attorney -- that's what I'm</p> <p>10 asking you. What attorney talked to you about</p> <p>11 this declaration?</p> <p>12 A. Well, they pretty well ignored me.</p> <p>13 But Greg talked to me about it.</p> <p>14 Q. Okay. And you are indicating Greg</p> <p>15 Rogers?</p> <p>16 A. Yes.</p> <p>17 Q. I don't want to know anything</p> <p>18 about the content or how you feel about Greg</p> <p>19 Rogers. I don't want to know anything about</p> <p>20 that. I just wanted to know which lawyer</p> <p>21 contacted you in regard to this declaration,</p> <p>22 and you're answering that it was Greg Rogers?</p> <p>23 A. Right.</p>
<p style="text-align: right;">Page 51</p> <p>1 A. Yes.</p> <p>2 Q. I don't want to know what you said</p> <p>3 to the attorney or what the attorney said to</p> <p>4 you, but tell me which attorney you talked to.</p> <p>5 A. His name is Gregory Pratt.</p> <p>6 Q. Okay. Do you know what law firm</p> <p>7 he is with?</p> <p>8 A. Pratt.</p> <p>9 Q. Pratt law firm?</p> <p>10 A. He's alone. He has gone from a</p> <p>11 four name building to a one name building.</p> <p>12 Q. Were you represented by an</p> <p>13 attorney when you talked to this other attorney</p> <p>14 about your declaration?</p> <p>15 A. No. He didn't have time.</p> <p>16 Q. All right. So did you talk on the</p> <p>17 telephone to this attorney, Gregory Pratt?</p> <p>18 A. Well, when I called to ask him to</p> <p>19 represent me, he told me there just wasn't any</p> <p>20 way. He just didn't have the time right now.</p> <p>21 Q. So you called Gregory Pratt to</p> <p>22 represent you?</p> <p>23 A. Yes.</p>	<p style="text-align: right;">Page 53</p> <p>1 Q. All right. So you did not type up</p> <p>2 this declaration; is that true?</p> <p>3 A. No.</p> <p>4 Q. Okay. And you received this in</p> <p>5 the mail; is that true?</p> <p>6 A. Uh-huh.</p> <p>7 Q. And you read it over?</p> <p>8 A. I think it was gotten in the mail.</p> <p>9 I can't think of any other way I would get it.</p> <p>10 Q. Okay. And before you signed it,</p> <p>11 did you read through the whole thing?</p> <p>12 A. Yes.</p> <p>13 Q. All right. Thank you. Now, let</p> <p>14 me ask you some questions about what you have</p> <p>15 testified. Did you understand when you signed</p> <p>16 it that this was testimony in this case, that</p> <p>17 this declaration was going to be testimony in</p> <p>18 this case?</p> <p>19 A. Uh-huh.</p> <p>20 Q. Did you understand that?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Paragraph number one says</p> <p>23 you are the owner of Palmer Temps. And that is</p>

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<p style="text-align: right;">Page 54</p> <p>1 true, right? You have already told me that, 2 correct? 3 A. Yes. 4 Q. Okay. Paragraph number two, could 5 you read that to me, please? 6 A. AK Steel -- AK Steel asked us to 7 help it with its direct hires by accepting 8 applications for its labor reserve jobs at our 9 offices on Roosevelt Boulevard. It was our 10 understanding that AK Steel needed some 11 administrative help processing applications 12 during this time. We performed this function 13 for AK Steel for a period of time, completed 14 this form [sic] prior to January 29th, 2001, 15 and have not performed it since. 16 Q. Okay. Does this document refresh 17 your memory as to the time frame when you 18 accepted applications for the laborer position 19 for AK Steel? 20 A. Uh-huh. 21 Q. Is that a yes? 22 A. Gosh, 2001? 23 Q. Are you answering yes to my</p>	<p style="text-align: right;">Page 56</p> <p>1 was the correct date, then? 2 A. I just trust everybody that it's 3 the right information. 4 Q. Okay. 5 A. It's a legal document. I mean, I 6 never -- I don't question that much. 7 Q. Okay. Let's look at paragraph 8 number three. Could you read that to me, 9 please? 10 A. Donald Edwards did not apply for 11 any AK Steel position with us in August of 2001 12 or January, 2002. In fact, Palmer Temps was 13 not accepting applications from anyone for any 14 AK Steel mill positions in August of 2001 or at 15 any time since. We had stopped accepting 16 applications for its direct hires by this time. 17 On September 10, 2006, Richard Nunlist of our 18 organization sent Rusty Johnson an E-mail 19 confirming for him that we did not accept 20 applications from Don Edwards or anyone else 21 for any AK Steel positions. We have never 22 administered -- 23 Q. That's enough. That's the end of</p>
<p style="text-align: right;">Page 55</p> <p>1 question? 2 A. I'm talking to myself. 2001. 3 Yeah, I guess it was 2001. 4 Q. Okay. Do you have any documents 5 that would indicate when you stopped performing 6 this function for AK Steel? 7 A. I think Richard does. 8 Q. Do you have any documents that 9 would indicate when you started performing this 10 function for AK Steel? 11 A. He would have them if we have got 12 them, and we probably have something. 13 Q. All right. When you signed this 14 declaration, did you, yourself, check any 15 documents to see if this was correct? 16 A. Check any other documents? 17 Q. Uh-huh, to see if this date, 18 January 29th, 2001, was correct. 19 A. No. 20 Q. You did not check any other 21 documents to make sure this was a correct date? 22 A. No. 23 Q. How did you determine that this</p>	<p style="text-align: right;">Page 57</p> <p>1 paragraph three. I think you left out the 2 date, for any AK Steel positions in August, 3 2001; is that correct? Is that what it says? 4 A. Uh-huh. 5 Q. Is that yes? 6 A. Yes. And I thought I said it. 7 Q. Okay. I'm sorry. Maybe I 8 misheard it. 9 When you read this document and 10 signed it, did you consult any documents 11 regarding Donald Edwards' applications for 12 employment at AK -- at AK Steel? Did you, 13 yourself, consult any documents to fill in 14 these dates in paragraph three? 15 A. Yes, I looked -- I know I looked 16 back to see if this -- see, I had this fellow 17 work for me ten years ago. 18 Q. You had what fellow? 19 A. This Don Edwards work for me. 20 Q. Okay. 21 A. And we hired him and sent him out 22 on a job, and he worked like one day and said 23 he couldn't go back. Then we, you know,</p>

15 (Pages 54 to 57)

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1 left -- we called him, and he called in a
2 couple times. We offered him work, and he
3 refused it.

4 So I was interested in this how
5 after the service he was never unemployed for
6 more than six weeks. You know, I don't think
7 that's correct.

8 Q. Let me back up a little bit. So
9 when you read -- when you talked to your
10 attorney -- or when you read and signed this
11 document, did you -- you did check some
12 documents to check to see if these dates were
13 correct? Is that what you are testifying that
14 you did?

15 A. I know I checked to see if he had
16 worked any other time.

17 Q. What documents did you check?

18 A. The old system we used to have,
19 which was a card system.

20 Q. Okay. Do you still have that card
21 system?

22 A. I don't think it's there anymore
23 either. We quit using it in '91. We still had

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1 it there, and it went by with the rest of it as
2 far as I know.

3 Q. Let me say something. You signed
4 this document in May of 2007, which was this
5 year; is that correct?

6 A. Yes.

7 Q. Are you telling me that --

8 A. If I dated it May, yeah.

9 Q. Are you telling me that before you
10 signed this document, you checked a card system
11 at your office to see when Donald Edwards had
12 applied?

13 A. His name sounded familiar to me,
14 and I wanted to look back to see if he had ever
15 worked for us.

16 Q. So are you testifying that this
17 card system existed in around the time of May,
18 2007?

19 A. Oh, no. I got it when I got this
20 out. I wanted to see it.

21 Q. You wanted to see what?

22 A. I wanted to see if there was a
23 card. I don't -- we don't look at those

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1 anymore ever.

2 Q. Where are these cards?

3 A. Well, I think we shredded them. I
4 had --

5 Q. Okay, Ms. Nunlist. My question --

6 A. I don't know.

7 Q. My question is, how could you have
8 looked at it around the time of this
9 declaration? I don't mean to be argumentative.
10 I'm just trying to understand what you are
11 testifying to. How could you have looked at it
12 if it had already been shredded?

13 A. I went to see if there were any
14 old cards left anywhere, and we had one section
15 that was filled with these cards, and I had his
16 in there.

17 Q. You have one section of cards that
18 still existed?

19 A. One section of cabinets.

20 Q. Okay. Do those cards still exist
21 today?

22 A. Yes, I imagine they do.

23 Q. When did you go look at those

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1 cards?

2 A. When this came in, I guess.

3 Q. Are you --

4 A. The first I heard of this lawsuit
5 I did.

6 Q. When was the first time you heard
7 of this lawsuit?

8 A. That I don't know.

9 Q. So are you testifying that when
10 you heard of this lawsuit, you went to look at
11 this one section of cards that still exists --

12 A. I went to see if that card was
13 there, if anything existed there.

14 Q. Did you find that card there?

15 A. Yes, I had it.

16 Q. Do you know where that card is
17 right now?

18 A. Someone has it. I think Richard
19 might have given it to AK. I'm not sure. But
20 it showed we hired him classified. That's the
21 highest rating we can give an employee. He had
22 a real clean -- a real good attitude. He just
23 wasn't real ambitious to work at that time.

16 (Pages 58 to 61)

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1 Maybe it took him ten more years to get ready,
 2 but --
 3 Q. You are speculating about what he
 4 was doing in the meantime; is that true?
 5 A. Yeah, I just wondered. And there
 6 might be something on that card of where he
 7 worked.
 8 Q. All right.
 9 MS. DONAHUE: We would like to
 10 have a copy of this card.
 11 Q. In paragraph three, if you look on
 12 page two, this last sentence that starts out on
 13 September 10, 2006, Richard Nunlist sent Rusty
 14 Johnson an E-mail, do you know who Rusty
 15 Johnson is?
 16 A. No.
 17 Q. Who told you about this E-mail?
 18 A. Richard.
 19 Q. Did you see this E-mail?
 20 A. No.
 21 Q. You never saw it?
 22 A. (Witness shaking head from side to
 23 side.)

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1 Q. Did Richard tell you that Rusty
 2 Johnson had sent it to you -- sent it to him?
 3 A. Yeah, Richard told me he sent him
 4 an E-mail. I knew that.
 5 Q. Did you know what the content of
 6 the E-mail was?
 7 A. No.
 8 Q. Your declaration states that --
 9 states what the content of the E-mail is; is
 10 that correct?
 11 A. Uh-huh.
 12 Q. It states that it confirmed that
 13 you did not accept applications from Donald
 14 Edwards; is that correct?
 15 A. Yes.
 16 Q. How could you have --
 17 A. Came in to register on
 18 January 29th, and we were --
 19 Q. No. Just a minute. I'm going
 20 back to paragraph three, and I'm asking you,
 21 you told me just a second ago, and I just want
 22 to clarify this, I just want to understand, all
 23 right, you said that you did not know the

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1 content of that E-mail; is that correct?
 2 A. Yes.
 3 Q. All right. But your declaration
 4 indicates that you did know the content of the
 5 E-mail; is that correct? I'm looking on
 6 paragraph three, at the top of the page, at the
 7 very top of the page, the last sentence in
 8 paragraph three. Okay?
 9 A. About accepting the application?
 10 Q. No, I'm looking -- look on
 11 paragraph three, the last sentence of that
 12 paragraph at the top of page two. You are on
 13 the right page, right there.
 14 A. Okay.
 15 Q. The sentence that starts on
 16 September 10th. Could you read that to me,
 17 please?
 18 A. On September 10th, 2006, Richard
 19 Nunlist sent -- I guess I did see that. I'm
 20 not real steady right now. But I read this, so
 21 I did know it somewhere in the back of my head.
 22 Q. Did you -- so now you are changing
 23 your testimony to say you did read the E-mail

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1 that Richard got --
 2 A. Well, I had to.
 3 Q. Why do you say that?
 4 A. Because I usually read everything
 5 that goes out of there, number one, and, number
 6 two, I just -- I have a bad memory right now.
 7 Q. Did you have a bad memory in May
 8 of 2007 when you signed this declaration?
 9 A. Uh-huh. Well, you know, at times
 10 I don't, at times I do. I have a lot of
 11 trouble with numbers.
 12 Q. Okay. In May of 2007 when you
 13 signed this declaration, were you living in
 14 Florida?
 15 A. Yes. In May?
 16 Q. Yes.
 17 A. Yes.
 18 Q. And how was your health in May of
 19 2007, which was earlier this year, May of this
 20 year?
 21 A. Stage four.
 22 Q. I'm sorry. I'm sorry. I have to
 23 ask you because --

17 (Pages 62 to 65)

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1 A. I know. It just upsets me.
 2 Q. Yeah, I'm sure. And I'm sorry.
 3 But I need to understand what's going on.
 4 A. My health wasn't any better then.
 5 Q. It wasn't any better then? Okay.
 6 A. It's been like this probably a
 7 year and a half.
 8 Q. Okay.
 9 MR. ROGERS: Let me take a break.
 10 I want to see you out in the hall.
 11 (Recess taken.)
 12 Q. Mary Jane, I'm really sorry.
 13 Maybe I just have a couple more questions.
 14 A. That's all right. I know. It's
 15 your job.
 16 Q. I'm sorry.
 17 A. You have got to ask what you have
 18 got to ask.
 19 Q. I just want to ask one more
 20 question, or just a couple more questions about
 21 your declaration, then we will be finished, and
 22 that is in paragraph five, do you see the
 23 sentence that starts our records show that

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1 Donald Edwards came in to register with Palmer
 2 Temps? Do you see that sentence?
 3 A. (Witness nodding head up and
 4 down.)
 5 Q. Could you read that sentence for
 6 me?
 7 A. That Donald Edwards came in to
 8 register January 29th and completed this
 9 registration on February the 6th. That's part
 10 of this registration. He took the Palmer Temps
 11 test or evaluation at our Roosevelt office, or
 12 Roosevelt Boulevard location.
 13 Q. I have one question about that.
 14 You say that he came in on January 29th and
 15 completed his registration on February 6th. In
 16 paragraph --
 17 A. They had to schedule him probably
 18 to come in for an appointment.
 19 Q. In paragraph two of your
 20 declaration, you said that you completed the
 21 job of taking applications for AK Steel prior
 22 to January 29th; is that correct?
 23 A. Yes.

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1 Q. Mary Jane -- you have asked me to
 2 call you Mary Jane -- I have asked your
 3 attorney to withdraw this declaration from this
 4 lawsuit, because I feel like when you signed
 5 it, you weren't certain about these statements
 6 that you made here, and I don't think you are
 7 certain about them today. And you testified
 8 that you were just as ill in May as you are
 9 today. And you are having a difficult time
 10 remembering things; is that correct?
 11 A. Yes.
 12 MS. DONAHUE: So I would just make
 13 my request that you withdraw this declaration
 14 from this lawsuit, because Ms. Nunlist has
 15 testified that she could not remember these
 16 dates now, she can't -- she couldn't remember
 17 them at the time she signed it.
 18 MR. ROGERS: Well, I told you I
 19 will take your request under consideration.
 20 MS. DONAHUE: All right.
 21 MR. ROGERS: She did testify that
 22 back in May, she was feeling better.
 23 MS. DONAHUE: I don't believe that

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1 was her testimony. I'm sorry. I don't want to
 2 argue about that. We are requesting that they
 3 withdraw this declaration based on your
 4 testimony here, and I'm really sorry to have to
 5 bring you to the deposition to ask you
 6 questions about it, but we just had no idea,
 7 you know, what this was about, and we needed to
 8 find out.
 9 THE WITNESS: I don't know either.
 10 MS. DONAHUE: Okay. Then we
 11 will --
 12 THE WITNESS: I just don't
 13 understand why this is even going on, how I
 14 even got involved. You know, we have never
 15 tested anybody in our office with an AK test
 16 ever.
 17 MS. DONAHUE: Okay. Well, I
 18 appreciate you coming and making this effort,
 19 and I'm sorry that it was difficult for you.
 20 THE WITNESS: Heck, I ought to
 21 stay while I'm here.
 22 MS. DONAHUE: So we are adjourning
 23 the deposition.

18 (Pages 66 to 69)

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<p style="text-align: right;">Page 70</p> <p>1 MR. ROGERS: Okay. 2 (Thereupon, signature was waived.) 3 (Thereupon, the deposition was 4 adjourned at 11:21 a.m.) 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23</p>	<p style="text-align: right;">Page 72</p> <p>1 IN WITNESS WHEREOF, I have hereunto set 2 my hand and seal of office at Dayton, Ohio, on 3 this ____ day of _____, 2007. 4 5 6 KAREN M. RUDD 7 NOTARY PUBLIC, STATE OF OHIO 8 My commission expires 5-21-2012 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23</p>
<p style="text-align: right;">Page 71</p> <p>1 STATE OF OHIO) 2 COUNTY OF MONTGOMERY) SS: CERTIFICATE 3 I, Karen M. Rudd, a Notary 4 Public within and for the State of Ohio, duly 5 commissioned and qualified, 6 DO HEREBY CERTIFY that the 7 above-named MARY JANE PALMER NUNLIST, was by me 8 first duly sworn to testify the truth, the whole 9 truth and nothing but the truth. 10 Said testimony was reduced to 11 writing by me stenographically in the presence 12 of the witness and thereafter reduced to 13 typewriting. 14 I FURTHER CERTIFY that I am not a 15 relative or Attorney of either party, in any 16 manner interested in the event of this action, 17 nor am I, or the court reporting firm with which 18 I am affiliated, under a contract as defined in 19 Civil Rule 28(D). 20 21 22 23</p>	